



COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
transportation.ky.gov

Andy Beshear  
GOVERNOR

Jim Gray  
SECRETARY

**MEMORANDUM**

**FROM:** Andy Barber  
State Highway Engineer 

**DATE:** March 18, 2020

**SUBJECT:** COVID-19

In light of Governor Andy Beshear's Executive Order 2020-215 declaring a State of Emergency for Kentucky, the Transportation Cabinet wants to extend the following guidance to our Construction Staff and Contractors for Department of Highways construction projects that may be impacted by the COVID-19 pandemic:

- Any contractor that chooses to proactively delay work to prevent the spread of COVID-19 or is forced to suspend construction activity due to the COVID-19 virus impacting their work force should file a "Notice of Changed Condition/Disagreement" or "Notice of Potential Claim", as applicable, form TC 63-32 or TC 63-77, respectively.
- Any claim submitted by the Contractor relating to COVID-19 will be evaluated on a case-by-case basis and will be considered "Non-Compensable Delays" as per 2019 Kentucky Standard Specifications for Road and Bridge Construction section 105.13.03 part E. This specification was updated for the 2019 edition of the Kentucky Standard Specifications for Road and Bridge Construction. The cabinet will entertain any request to apply the 2019 specification to projects covered by older versions of the specification book.

The intent of the Transportation Cabinet is to continue the highway construction program while working with our Contractors to help minimize the spread of this virus. If completion dates need to be extended, or the charging of working days need to be suspended then the Cabinet will work with all parties to ensure adequate time adjustments.

If you have any questions please contact the Division of Construction at (502) 564-4780 or email [Matt.Simpson@ky.gov](mailto:Matt.Simpson@ky.gov).